

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

MAILED

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U.S. PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte; ROBERT POPP, DEBRA DURRANCE,
PAUL VANGOMPEL, MICHAEL MORMAN
AND PAUL LINKER

Application No. 10/036,573

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received electronically at the Board of Patent Appeals and Interferences on February 1, 2008. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner. The matter requiring attention prior to docketing is identified below.

APPEAL BRIEF

Summary of Claimed Subject Matter

On February 14, 2007, Appellant filed a Supplemental Appeal Brief in response to a Notification of Non-Compliant Appeal Brief mailed February 2, 2007. On June 13, 2007, the Examiner's Answer indicated that the "Summary of Claimed Subject Matter" section of the brief filed February 14, 2007, was deficient. No response has been received from the Appellant concerning this matter. Appropriate action is required.

CONCLUSION

Accordingly, it is

ORDERED that the application is returned to the Examiner:

- 1) hold the Appeal Brief filed February 14, 2007, defective;
- 2) notify the appellant to submit a “paper” which corrects the Summary of Claimed Subject Matter section;
- 3) acknowledge and consider any “paper” that may be submitted by Appellant in response to the Notice of Non-Compliance to correct the Appeal Brief as required by 37 CFR 41.37(c); and
- 4) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
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